IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Bail Appl..No. 7070 of 2007()

CRIME NO. 107/06 OF THIRUNELLY POLICE STATION

PETITIONER/ACCUSED

JUNAID, AGED 25 YEARS,
VEETTUVALAPPIL HOUSE, CHEMPAKAMOOLA POLICE KUNNU,
THRISILERY AMSOM DESOM, MANANTHAVADY.

BY ADV. SRI.K.ANTONY JOSEPH

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, THROUGH THE
SUB INSPECTOR OF POLICE, THIRUNELLY POLICE
STATION, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7070 of 2007

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Dated this the 20th day of November, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations under Section 376 I.P.C. The defacto complainant/ victim was allegedly in love with the petitioner. There was promise of marriage. Believing the said promise, the defacto complainant had allegedly yielded to sexual intercourse with the petitioner. She became pregnant. Two months after the child birth the present complaint has been filed. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Prosecutor opposes the said prayer, and notwithstanding the opposition I am satisfied, in the facts and circumstances referred above, that directions under Section 438 Cr.P.C. can be issued in favour of the petitioner, subject to appropriate terms

and conditions. More detailed discussion of facts appear to me to be unnecessary.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 27.11.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 28.11.2007 and 29.11.2007. During this period the petitioner can be interrogated and all necessary steps in investigation, including the potency test can be conducted by the Investigating Officer. Thereafter he shall appear before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and

subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 27.11.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 27.11.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.50,000/- without any surety undertaking to appear before the learned Magistrate on 27.11.2007.

(R. BASANT)
Judge

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